

# REGISTER

*South Dakota Legislative Research Council*



*Volume 28*

*Tuesday, 8:00 a.m., November 13, 2001*

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**A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE**

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**NOTICES OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council)

***Bureau of Administration:*** (November 5, 2001) is proposing rules to increase the maximum fees for publication of legal notices by 3.0 percent. The general authority for these rules, as cited by the bureau, is SDCL 17-2-19.

A public hearing will be held at the Office of Hearing Examiners, Ground Floor, Conference Room E, Anderson Building, 445 East Capitol, Pierre, South Dakota, on Tuesday, December 4, 2001, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the Bureau of Administration, State Capitol Building, 500 East Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by December 14, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3688 at least forty-eight hours before the hearing.

***Department of Education and Cultural Affairs: South Dakota Board of Education:*** (November 6, 2001) intends to adopt rules to establish a new system of alternative teacher certification and to require candidates for this certification to meet basic eligibility requirements. The general authority for these rules, as cited by the board, is SDCL 13-1-12.1, 13-3-47, and 13-42-3.

A public hearing will be held in Conference Room 3, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on Monday, December 3, 2001, at 9:00 a.m. This is a continuation of the

public hearing conducted by the South Dakota Board of Education on September 17, 2001, in Watertown, South Dakota. Copies of the proposed rules may be obtained from and written comments sent to the Department of Education and Cultural Affairs, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291. Written comments must be received by November 30, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3426 at least forty-eight hours before the hearing.

***Department of Education and Cultural Affairs: South Dakota Board of Education:*** (November 6, 2001) intends to adopt rules to comply with Part B of the Individuals With Disabilities Education Act, to clarify the role and responsibility of contractors and service coordinators in the implementation of the early intervention program, to ensure consistent billing/reimbursement procedures, update language to address division responsibilities, restructuring of the department and of the early intervention program, and to add federal language changes. The general authority for these rules, as cited by the board, is SDCL 13-37-1.1.

A public hearing will be held in Conference Room 3, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on Monday, December 3, 2001, at 8:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Education and Cultural Affairs, South Dakota Board of Education, 700 Governors Drive, Pierre, South

Dakota 57501-2291. Written comments must be received by November 30, 2001, to be considered. Copies of the proposed rules may be found at

<http://www.state.sd.us/deca/SPECIAL/currentn&e/proposal.htm>. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3426 at least forty-eight hours before the hearing.

***Department of Commerce and Regulation:***

***Board of Accountancy:*** (November 9, 2001) intends to adopt rules to update references and publications incorporated by reference; revise continuing professional education rules; repeal obsolete sections of rules; change examination, certificate, and document fees; added requirements for out-of-state candidates; clarification of candidate disciplinary procedures and conditional status; clarification of certificate renewal procedures of in-state and out-of-state certificate holders; update procedures on individual and firm permits; added provisions for Board mailing lists; and change fees for modification of discipline petitions. The general authority for these rules, as cited by the board, is SDCL 36-20A-7, 36-20A-8, 36-20A-8.2, 36-20A-10, 36-20A-11, 36-20A-12, 36-20A-14, 36-20A-18, 36-20A-25, 36-20A-32, and 36-20A-36.

A public hearing will be held in the Conference Room of Eide Bailly LLP, 200 East 10<sup>th</sup> Street, Suite 500, Sioux Falls, South Dakota, on Tuesday, December 4, 2001, at 1:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Accountancy, 301 East 14<sup>th</sup> Street, Suite 200, Sioux Falls, South Dakota 57104. Written comments must be received by November 30, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 367-5770 at least forty-eight hours before the hearing.

***FILINGS IN THE SECRETARY OF STATE'S OFFICE:*** (None)

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

**REMINDER OF HEARINGS SCHEDULED**

11-16-2001	Health	Update definitions, update list of Category I and II reportable diseases and reporting procedures for such diseases, update references; 28 SDR 65.
11-28-2001	Secretary of State: Board of Elections	Standards for counting imperfectly marked ballots and for automatic tabulating system recounts, postal endorsements for certain notices, notice for potential duplicate voter registrations, clarify when information may be added to a petition, add election logo to envelopes, broaden the use of recount certificates, recount petitions for school and municipal

		ballot question elections, simplify voter instructions; 28 SDR 69.
12-3-2001	Education and Cultural Affairs: Board of Education	Establish standards and streamline process for alternative teacher certification; 28 SDR 71.
12-3-2001	Education and Cultural Affairs: Board of Education	Comply with Individuals With Disabilities Education Act, update language to reflect restructuring of early intervention program and the department and address division responsibilities, clarify determination of child eligible for early intervention services; 28 SDR 71.
12-4-2001	Administration	Increase fees for publication of legal notices; 28 SDR 71.
12-4-2001	Commerce and Regulation: Board of Accountancy	Update references; revise continuing ed rules, repeal obsolete rules; change exam certificate and document fees; requirements for out-of-state candidates; clarify disciplinary procedures and conditional status; clarify certificate renewal procedures; update procedures on firm permits; board mailing list provisions; change fee for discipline petitions; 28 SDR 72.
12-6-2001	Transportation	Speed zones in Yankton and Viborg, prohibit parking on road across Ft. Randall Dam; 28 SDR 53 and 65.

### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held on Thursday, November 29, at 3:30 p.m. in Room 413 of the State Capitol. The meeting will reconvene at 8:00 a.m. on Friday, November 30, if necessary.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

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